

REMARKS

Claims 1-13 have been canceled without prejudice. Claims 14, 19, and 22-24 have been amended. Specifically, claim 14 has been reformatted; claims 19, 22, and 23 have been amended to correct informalities. Claim 24 has been corrected to refer to claim 14 rather than to cancelled claim 1. New claim 27 is allowable claim 22 rewritten in independent form, and is supported by previously presented claims 14, 16, 21, and 22. No new matter has been added.

A. Objections and Rejections

1. Objections

Claims 19, 22 and 23 were objected to because of informalities.

2. Rejections under 35 U.S.C. § 103(a)

a. Claims 14, 15, 19, 24, and 25

Claims 14, 15, 19, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Owen (U.S. Patent 5,603,283). The Examiner asserts that Owens teaches all of the claimed subject matter except for the recess being open on the lateral face. The Examiner asserts that the particular shape of having the recess open on the lateral face is without criticality, and asserts this would be an obvious modification of Owen, citing *In re Daily*, 149 USPQ 47 (CCPA 1976).

b. Claims 16, 17, 18, 21, 23 and 26

Claims 16, 17, 18, 21, 23 and 26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Owen in view of Hashimoto (U.S. Patent 5,706,757). The Examiner asserts that Owens teaches all that is claimed as discussed in the rejections of claims 14, 15, 19, 24 and 25 except for (1) a hollow drive shaft, (2) the total thickness of the thinner section of the case plus the light source support being less than or equal to the maximum case

thickness, and (3) when the drive shaft is hollow and the component includes a light source, an indicator hand including a transparent stem housed in the drive shaft according to claim 26. The Examiner asserts that Hashimoto teaches a hollow drive shaft and indicator hand including a transparent stem, and a motor having a support for receiving the light source. The Examiner asserts that it would have been obvious to modify the lamp and support taught by Owen to include a support and LED as taught by Hashimoto, and asserts that it would also have been obvious to make the shaft hollow in order to improve light transmission efficiency.

c. Claim 20

Claim 20 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Owen in view of DE 199 38 366 to Sauter. The Examiner asserts that Owens teaches all that is claimed as discussed above in the rejections of claims 14, 15, 19, 24 and 25 except for the second face having a foot for securing the case on a support. The Examiner asserts that Sauter discloses a mounting face with feet for positioning and/or securing the case to the board, and asserts that it would have been obvious to modify Owen's case to include a foot.

B. Applicants' Arguments

1. Objections

Claims 19, 22 and 23 were amended to address informalities.

2. Rejections under 35 U.S.C. § 103(a)

The Examiner's characterization of Owen is incorrect. The Examiner asserts that Owen discloses "an open recess". (Office Action mailed May 13, 2008, page 3, §3.) The recess of Owen is not "open". One of the canons of claim construction is to render each term meaningful; thus, the modifier "open" is not properly subsumed into "recess" but rather distinguishes an "open" recess, as in the present invention, from a "closed" recess, such as disclosed in Owen.

a. Claims 14, 15, 19, 24, and 25

Claims 14, 15, 19, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Owen (U.S. Patent 5,603,283). The Examiner asserts that Owens teaches all of the claimed subject matter except for the recess being open on the lateral face. However, the Examiner's characterization of Owen is incorrect. The Examiner asserts that Owen discloses "an open recess". (Office Action mailed May 13, 2008, page 3, §3.) The recess of Owen is not "open". One of the canons of claim construction is to render each term meaningful; thus, the modifier "open" is not properly subsumed into "recess" but rather distinguishes an "open" recess, as in the present invention, from a "closed" recess, such as that disclosed in Owen. The Examiner admits that "Owen does not disclose said recess also being open on said lateral face." (Office Action mailed May 13, 2008, page 5.) However, the analysis completely ignores the fact that Owen does not disclose an "open" recess at all, and skips directly to selection of the orientation of the open face. The Examiner provides no reference showing that it would have been obvious to one of ordinary skill in the art to metamorphosize the closed recess of Owen into the open recess of the present invention. The Applicants ask the Examiner to withdraw this ground of rejection.

After asserting the recess of Owen was open (which it is not), the Examiner further asserts that the particular shape of having the recess open on the lateral face is without criticality, and would have been obvious to provide. However, the Examiner's asserted reasons, "to reduce the amount of material used in the making of the housing, or to strengthen the housing, or to allow direct observation of the board, lamp and shaft area under the housing one the housing is mounted", (Office Action mailed May 13, 2008, page 5, §3, last sentence), are without foundation.

i. “to reduce the amount of material used”

The Examiner has not shown that the present invention uses less material than Owens. The applicant respectfully requests the Examiner to provide a documentation supporting this purported decrease in material use, or withdraw this ground of rejection.

ii. “to strengthen the housing”

The Examiner has not shown that the present invention increases the strength of the housing compared to Owens. The applicant respectfully requests that the Examiner provide documentation supporting this purported increase in strength, or withdraw this ground of rejection.

iii. “to allow direct observation”

The Examiner has not documented any suggestion or motivation in the prior art to support “direct observation” as being advantageous. The entire assembly is intended to be imbedded in a vehicle dashboard. The applicant respectfully requests that the Examiner documents an applicable suggestion or motivation, or withdraws this ground of rejection.

b. Claims 16, 17, 18, 21, 23 and 26

Claims 16, 17, 18, 21, 23 and 26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Owen in view of Hashimoto (U.S. Patent 5,706,757). However, Owen does not anticipate or render obvious the “open recess” limitation of claim 14 (as discussed above). Hashimoto does not rectify this absence. Therefore, the combination of Owen and Hashimoto do not render obvious any of claims 16, 17, 18, 21, 23 and 26, as these claims are all dependent upon claim 14, either directly or indirectly.

c. Claim 20

Claim 20 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Owen in view of DE 199 38 366 to Sauter. However, Owen does not anticipate or render obvious the “open

recess” limitation of claim 14 (as discussed above). Therefore, the combination of Owen and Sauter do not render claim 20 obvious, as this claim is dependent on claim 14.

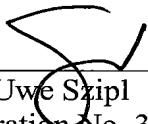
CONCLUSION

For all of the above reasons, Applicant respectfully asserts that claims 14-27 are in condition for allowance and a prompt notice of allowance is earnestly solicited.

The below-signed attorney for applicant welcomes any questions.

Respectfully submitted,

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